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ABSTRACT

This annotated bibliography lists 15 sources related to grievance procedures in public schools. The documents and journal articles, all from the ERIC system, discuss aspects of written grievance procedures such as the status, definitions, role responsibilities, administration, collective bargaining, and grievance procedure development. Some specific examples of written grievance procedures are cited. (Author)

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The Best of ERIC

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The Best of ERIC presents annotations of ERIC literature on important topics in educational management.

The selections are intended to give the practicing educator easy access to the most significant and useful information available from ERIC. Because of space limitations, the items listed should be viewed as representative, rather than exhaustive, of literature meeting those criteria.

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Grievance Procedures

Brandstetter, John. "Grievance Procedures in Non-Contract Districts." *NASSP Bulletin*, 55, 355 (May 1971), pp. 167-171. EJ 037 790.

Be prepared. Where negotiated contracts do not exist, principals must be prepared to help in developing written grievance procedures, to participate in grievance procedures, and to avoid grievances. As a part of the administrative team, the secondary principal must be ready to ensure fair play, justice, and equity for the aggrieved.

This short article seems to suggest that where negotiated contracts don't exist, soon they will. Where negotiated grievance procedures don't exist, a procedure, written or informal, does exist. Principals are in the key role to prevent and participate in grievances.

Brandstetter discusses the Houston Independent School District grievance procedure, which is written but not negotiated.

Corrigan, John. "Grievance Procedures." In *Negotiations in Public Education*, edited by William Shreeve, pp. 176-191. Cheney, Washington: Eastern Washington State College, 1969. Complete document, 298 pages. ED 033 475 MF $0.75 HC $13.80.

Grievance procedures are a necessary element of any collective bargaining agreement whether between school boards and teachers or city governments and garbage collectors. Written agreements are made at a specific time by specific people. The interpretation of the agreement occurs at a later time by other people. So, grievances arise.

This chapter reviews the history of collective bargaining briefly, emphasizing the development of grievance procedures. Several examples of grievance situations are drawn from industrial labor-management cases. The growth of professional collective bargaining is explained in reference to industrial labor-management relations, leading one to conclude that collective bargaining in education may follow the lead of past labor-management experiences. The reader may be surprised, however, to discover that Father Corrigan has decided that professional negotiations must find solutions to grievance procedures in ways new and different from the history of labor-management procedures.

This work includes several brief case studies and reviews the history of labor laws, which can provide the reader with meaningful background. However, the author omits specific procedures and suggestions for content in grievance procedures.

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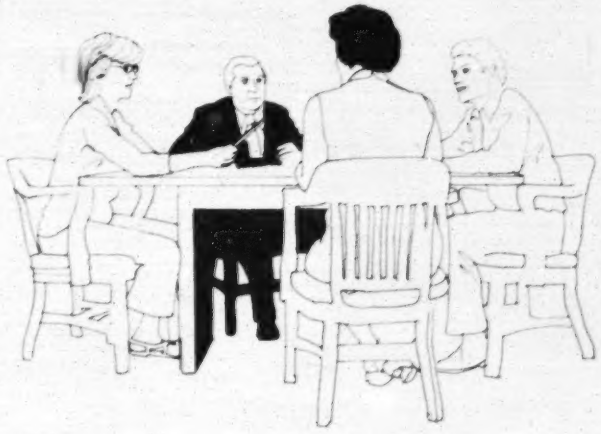
Educational Service Bureau, Inc. ***Readings in Public School Collective Bargaining. Volume 1.*** Washington, D.C.: 1971. 92 pages. ED 063 655 MF $0.75 HC not available from EDRS. (Available from Educational Service Bureau, Inc., 1835 K Street NW, Washington, D.C. 20006. $5.95.)

Grievance procedures, formally written and systematically employed, are relatively new to the school management business. The literature is not fully developed and some reading must be done in related fields. Although prepared for management in city employment, this report is applicable to school managers and teacher grievances. The reader may want to substitute terms such as school district for city, principal for supervisor, teacher representative for steward, and in some states, association for union. With these substitutions in mind, this reading becomes more than applicable: it becomes important to school administrators. Principals will find strong identification with the role of the supervisor.

An early quote sets the tone. It is stated, "Each Supervisor has, as his responsibility, the task of making sure that the rights of the City are preserved in practice, as well as in the language of the contract. Every action that a Supervisor takes establishes a precedent, either good or bad, right or wrong. It is the hope and expectation of the City that each of its management representatives will take the correct action at all times."

Being correct at all times is an overwhelming task. But, the reader is led through steps that will aid him in achieving correctness. The role of the management is discussed, and the



manager is admonished to be a genuine friend of his employees. Causes of grievances are related. The role of the steward, the employee's agent, is analyzed and fairly presented.

Detailed directions through six steps are presented to guide the handling of grievances. The directions are fully explained and plainly stated.

After stating directions, general principles to guide the supervisor's action are outlined in eleven succinct points. From "let the Steward take the burden of proof," to "remember, there is a reason if your decision is changed in the later steps of the bargaining procedure," the guiding principles will offer sound advice and instant insight into grievance procedures.

Green, Gary J. "Grievance Procedure Problems." In *Current Trends in School Law*, pp. 260-265. Topeka, Kansas: National Organization on Legal Problems of Education, 1974. 6 pages. ED 090 636. Document not available from EDRS. (Complete document, 309 pages, ED 090 616, available from NOLPE, 825 Western Avenue, Topeka, Kansas 66606. $7.50.)

Two actual cases of grievances that have been taken to arbitration or litigation are discussed by an attorney-at-law. Each of the cases provides insight into the scope of grievances. The writer, an attorney for the Minnesota Education Association, reveals teacher bias and an association point of view.

Teacher bias is obvious in the definition of grievance. Whereas many definitions approved by school boards limit the grievable matters to the written agreement and its interpretation, the definition presented here expands the grievable matters to employer policy, rule or regulation and to unfair or inequitable treatment by the employer. Green says, "This is broad enough to include any kind of complaint which the teacher may have." The differences between complaints and grievances are not discussed.

Another quotation reveals the underlying purposes many administrators see in grievance procedures. The author concludes, "Whether the grievance is denied or relieved the teacher may come away with a feeling that the employer is indeed sensitive to the problems of professional working conditions."

Although brief, this work provides insight into the legal workings of grievances.

Hinman, S. B., Jr. "Grievance Procedures for Teachers." In *Current Trends in School Law*, pp. 266-270. Topeka, Kansas: National Organization on Legal Problems of Education, 1974. 5 pages. ED 090 637. Document not available from EDRS. (Complete document, 309 pages, ED 090 616, available from NOLPE, 825 Western Avenue, Topeka, Kansas 66606. $7.50.)

The experience of handling grievance procedures may provide valuable benefits to school managers. According to this short chapter, managers can learn of the concerns of the employees. Managers can discover misrepresentations of policy or contract language. The weak spots in contract administration may be uncovered. The effectiveness of the management can be judged.

It is possible for the distinction between a complaint and a grievance to become fuzzy. Herein the two are given separate and distinct definitions that help remove the fuzziness. A complaint can be either oral or written, but has no formalized standing and consequently requires no formal answer. A grievance must be put in writing and has specified steps, time limits, and required response procedures.

To be effective, grievance procedures must have a certain design and proper implementation. This chapter offers legalistic suggestions that can be applied directly to school administration and collectively negotiated agreements between teachers and school boards. The tone of the writing is authoritative and may give the reader confidence in adopting any of the suggestions.

Kleinmann, Jack H. "The Superintendent and Grievance Procedures." Paper presented to the annual meeting of the American Association of School Administrators, Atlantic City, February 1968. 14 pages. ED 021 341 MF $0.75 HC $1.50.

In 1968, superintendents were less accustomed to grievance procedures and were being encouraged to accept this new idea as an important aspect of effective administration. In this talk Kleinmann seems to be saying, "Don't be afraid of the water," or "Try it, you'll like it." However, the statistics cited are not accurate for 1974, and possibly superintendents need less prodding today.

There are redeeming features in this talk that make it timely for 1974. A list of important concepts must include the following: (1) small school systems need grievance procedures as much as large school systems; (2) a superintendent's open-door policy bypasses the first level, the building principal; (3) written grievance procedures must be developed exclusively with one teacher organization, rather than with several; (4) all school systems, large or small, with or without negotiated agreements with teachers, should have a written grievance procedure; and (5) the superintendent's central authority is strengthened by a strong grievance procedure.

Kramer, Edward D. "Grievance Procedures: The Principal's Role Where There Is a Negotiated Contract." *NASSP Bulletin*, 55, 355 (May 1971), pp. 159-168. EJ 037 789.

Grievances can and do arise from such matters as summer employment or torn nylon stockings. Where a negotiated contract with teachers exists, the grievance procedure may take the principal through one, two, three, or four steps. Kramer's advice, based on his experience as an urban high-school principal who has encountered grievances over summer employment and nylon stockings, is that the principal should accept the responsibility to prevent grievances from arising.

To prevent grievances, the principal must maintain an amicable relationship with the teachers' elected representative. This relationship is seen as a key to success in administering a written negotiated contract and avoiding grievances.

From his experience, Kramer relates actual examples of grievances and the steps to their resolution. He finds five general groups of grievances. Grievances arise from a desire to teach talented students, a desire to hold an administrative position, a desire to advance based on seniority, complaints over specific assignments, and disagreements over contract phraseology.

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This article from a speech is informative and personal in style. The remarks are directed to principals from an experienced colleague.

Kramer, Louis I. *Principals and Grievance Procedures. Professional Negotiations Pamphlet Number Two.* Washington, D.C.: National Association of Secondary School Principals, 1969. 37 pages. ED 032 643 MF $0.75 HC not available from EDRS. (Available from NASSP, 1904 Association Drive, Reston, Virginia 22091. $1.00.)

Taking the grief out of grievances may be an optimistic expectation as expressed in the foreword to this volume. However, principals who read this discussion of grievances and grievance procedures will have less reason to be fearful. The message is for principals, and it encourages them to be open, aggressive, patient, consistent, firm, and thorough when resolving grievances.

If these qualities are not all easily acquired, the reader may still find this a useful reference in understanding the sources and nature of grievances and in learning what grievance procedures may accomplish. General guidelines are presented following a discussion of hypothetical cases, the need for formal grievance procedures, appeals, and arbitration. An appendix provides a model written grievance procedure.

Principals are asked to accept grievance procedures as a systematic and equitable method of minimizing problems through direct communications. The author claims that a principal's authority is protected, and abuse of authority is prevented.

The age of this volume does not detract from its value, because the focus is on human qualities, communications, and problem-solving.

Lieberman, Myron. "Negotiations: Past, Present and Future." *School Management.* 17, 5 (May 1973), pp. 14-19. EJ 077 693.

An expert in school negotiations analyzes the status and progress of collective negotiations between teachers and local school boards. Grievance procedures are treated in a short but informative section. The growth of grievance procedures included in written agreements is discussed.

Some positive effects of grievance procedures can be identified. Administrators are forced into using specific, unambiguous language when writing policies. Arbitration, as a part of the grievance procedure, creates a more equitable management of teachers. And, administrative teams are being unified and strengthened. Lieberman says, "In short, the contractual dimension of negotiations is forcing school management to achieve levels of precision and equity that were not necessary in the days of unilateral formulations and implementation of personnel policies."

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Address requests to EDRS, P.O. Box 190, Arlington, Virginia, 22210.

Neal, Richard G. *Grievance Procedures and Grievance Arbitration in Public Education.* Washington, D.C.: Educational Service Bureau, Inc., 1971. 80 pages. ED 063 657 MF $0.75 HC not available from EDRS. (Available from Educational Service Bureau, Inc., 1835 K Street NW, Washington, D.C. 20006. $8.95.)

Writing clearly and with candor, Neal provides help to administrators learning the game of grievance procedures. Answers can be found to questions about the history of grievance procedures in American education, the rules for handling grievances, and the writing of grievance procedures. The suggestions are equally important to administrators with or without a written agreement with teachers.

Neal cites state laws and case studies of arbitration proceedings. Examples of grievances and a discussion of the advantages of a grievance procedure amplify a definition of grievances that he provides.

Writing from a school board point of view, Neal offers help that may save administrators from the hidden pitfalls in grievance procedures.

Nolte, M. Chester. *Status and Scope of Collective Bargaining in Public Education, State-of-the-Knowledge Series, Number Six.* Eugene, Oregon: The ERIC Clearinghouse on Educational Administration, University of Oregon, 1970. 54 pages. ED 043 100 MF $0.75 HC $3.15.

At the outset Nolte writes, "No written agreement between a teachers organization and a board of education can enable the contracting parties to work together amicably under rules designed for their mutual benefit if it fails to include a means for resolving employee grievances. The administration of the grievance procedure is particularly crucial in applying the collective intent of the written agreement to the actual experience of each employee."

The remainder of the chapter on grievance procedures is devoted to describing the status and scope of grievance procedures throughout the United States. Statistics are based on 1970 circumstances, so readers may need more current figures for understanding the status today. Nolte asserts that the full extent of the use of grievance machinery is difficult to assess.

The material surrounding this chapter, though not specifically directed to grievance procedures, offers the reader background and perspective for understanding the use and need for negotiated, written grievance procedures.

Piele, Philip K. and Hall, John S., compilers. *Administrator Techniques in Collective Negotiations: A Guide to Recent Literature.* Eugene, Oregon: ERIC Clearinghouse on Educational Administration, University of Oregon, 1969. 23 pages. ED 027 643 MF $0.75 HC $1.50.

Grievance procedures are discussed specifically, in varying degree, in 10 of the 44 sources listed in this bibliography. All but one of these 10 sources include grievance procedures as part of a more general discussion of collective bargaining. One source is devoted exclusively to the legal aspects of handling grievances.

The bibliography is clearly annotated to guide the reader to meaningful sources.

Repas, Bob "Administering the Agreement." In *A Guide to Collective Negotiations in Education,* by Charles T. Schmidt, Hyman Parker, and Bob Repas, pp. 65-78. East Lansing, Michigan: The School of Labor and Industrial Relations and the Science Research Bureau, Michigan State University, 1967. 85 pages. ED 029 397 Document not available from EDRS. (Available from Research and Planning Division, School of Labor and Industrial Relations, 402 Kedzie Hall, Michigan State University, East Lansing, Michigan 48823. $1.50.)

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Besides processing documents and journal articles, the Clearinghouse prepares bibliographies, literature reviews, monographs, and other interpretive research studies on topics in its educational area.

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The important elements of grievance procedures are listed and explained in logical sequence. Beginning with a definition of a grievance, the author treats the purposes of grievance procedures, the characteristics of an effective grievance procedure, processing grievances, and relationships between the public employer and the employee organization. A sample grievance form and an outline of a typical grievance procedure are included.

This treatment of grievance procedures is a useful compromise between brevity and detail. School administrators may find it a useful guide in developing a grievance procedure. Some administrators may use this work to evaluate a grievance procedure already adopted.

The reader may not be able to escape the notion that a grievance procedure is the heart of administering a written agreement, and the health of the organization will be based on how well the heart functions. Reading of this chapter should provide good exercise for administrators who desire a healthy, functional grievance procedure.

Rhodes, Eric F., and Neal, Richard G. *Managing Educational Negotiations.* Washington, D.C.: Educational Service Bureau, Inc., 1968. 103 pages. ED 025 029 Document not available from EDRS. (Available from Educational Service Bureau, Inc., 1835 K Street NW, Washington, D.C. 20006. $5.95.)

Grievance procedures are the subject of only 10 pages from this book, but the discussion is concise and pertinent. A busy person needing a speedy overview will find the bones of the grievance procedure skeleton here.

The topics covered are background, current status, definition, examples of grievance, values of grievance, characteristics of grievance procedures, values of arbitration, and a grievance procedure test. The material is thoughtfully presented and logically organized.

Weldy, Gilbert R. *Administering a Negotiated Contract.* Reston, Virginia: National Association of Secondary School Principals, 1973. 51 pages. ED 078 571 MF $0.75 HC not available from EDRS. (Available from National Association of Secondary School Principals, 1904 Association Drive, Reston, Virginia 22091. $2.00.)

The best way to handle grievance procedures may be to avoid giving rise to a grievance. After defining grievance and describing the unenviable role the school principal must accept, this document offers suggestions for administering a negotiated contract. It suggests that principals should avoid being defensive about authority and accept a grievance procedure as a means of ensuring the teacher's right to due process. In this sense, grievance procedures clarify and resolve human errors. The errors are often manifested from ambiguous, negotiated contract language. Because the principal is the first step in most grievance procedures, his ability to act in honest good faith will settle many grievances at the beginning level.

How does a principal avoid grievances? Weldy's guidelines include the following suggestions: the principal should know the negotiated contract in its most minute detail, consult the teachers' elected representative, welcome suggestions from teachers, follow all procedures willingly, and be able to accept reversals in his decisions.

The theme of this document seems to recommend the grievance procedure as an effective tool for principals. Further, principals will of necessity need to learn to operate within the grievance procedures comfortably. The presentation is for secondary principals, but can generally be useful to principals at other levels.

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